UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

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CHARLES F. LEVET,

v.

: CASE NO. 1:14-CV-01378

Plaintiff,

: OPINION & ORDER

[Resolving Docs. 2 & 4]

COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION,

:

Defendant. :

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## JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On June 26, 2014, Magistrate Judge Kathleen B. Burke recommended that the Court deny Plaintiff Charles F. Levet's motion to proceed in forma pauperis. Plaintiff Levet has not filed an objection to the report and recommendation. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation and **DENIES** the motion to proceed in forma pauperis.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.<sup>2/2</sup> Parties must file any objections to a Report and Recommendation within fourteen days of service.<sup>3/2</sup> Failure to object within that time waives a party's right to appeal the Magistrate Judge's recommendation.<sup>4/2</sup> Absent objection, a district court may adopt the Magistrate Judge's report

 $<sup>\</sup>frac{1}{2}$ Doc. <u>4</u>.

<sup>&</sup>lt;sup>2</sup>/<sub>28</sub> U.S.C. § 636(b)(1).

<sup>3/</sup>N.D. Ohio L.R. 72.3(b).

 $<sup>\</sup>frac{4}{Id}$ .; see <u>Thomas v. Arn</u>, 474 U.S. 140, 145 (1985); <u>United States v. Walters</u>, 638 F.2d 947, 949-50 (6th Cir. 1981).

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without review.<sup>5</sup> Moreover, this Court agrees with the conclusions of the Magistrate Judge.

Here, although Plaintiff's family's monthly expenditures exceed their monthly income,

Plaintiff's family has a gross monthly income of over \$3,000; has three vehicles, including a

minivan worth approximately \$18,000; has a family home worth over \$100,000; and has over \$1,000

accessible in bank accounts. 6 The Court finds that Plaintiff's family can pay the Court's costs

without undue hardship.<sup>7/</sup>

Accordingly, the Court **ADOPTS** in whole Magistrate Judge Burke's findings of fact and

conclusions of law and incorporates them fully herein by reference. The Court **DENIES** Plaintiff's

motion to proceed in forma pauperis. Plaintiff must pay the required filing fee within ten days of

this order.

IT IS SO ORDERED.

Dated: July 15, 2014

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

<sup>&</sup>lt;u>5</u>/*Thomas*, 474 U.S. at 149.

 $<sup>\</sup>frac{6}{5}$  See generally Doc.  $\underline{2}$ .

<sup>&</sup>lt;sup>7</sup>See Foster v. Cuyahoga Dep't of Health & Human Servs., 21 F. App'x 239, 240 (6th Cir. 2001).